

Adopted	Rejected
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## COMMITTEE REPORT

YES:	12
NO:	0

### MR. SPEAKER:

*Your Committee on Courts and Criminal Code, to which was referred House Bill 1138, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

1       Page 1, between the enacting clause and line 1, begin a new  
2       paragraph and insert:  
3       "SECTION 1. IC 33-5-10.2-1, AS ADDED BY P.L.45-2000,  
4       SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5       JULY 1, 2004]: Sec. 1. There ~~is~~ **are** established ~~a court~~ **two (2) courts**  
6       of record to be known as the Dearborn superior court (~~referred to as~~  
7       ~~"the court" in this chapter~~). **The No. 1 and the Dearborn superior**  
8       **court No. 2. Each** court may have a seal containing the words  
9       "Dearborn Superior Court (**insert No. 1 or No. 2**), Dearborn County,  
10      Indiana". Dearborn County comprises the judicial district of the court.  
11      SECTION 2. IC 33-5-10.2-2, AS ADDED BY P.L.45-2000,  
12      SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13      JULY 1, 2004]: Sec. 2. (a) ~~The~~ **Each** court has one (1) judge, who shall

1 be elected at the general election every six (6) years in Dearborn  
 2 County. ~~The A~~ judge's term begins January 1 following the election and  
 3 ends December 31 following the election of the judge's successor.

4 (b) To be eligible to hold office as judge of the court, a person must:

5 (1) be a resident of Dearborn County;

6 (2) be less than seventy (70) years of age at the time of taking  
 7 office; and

8 (3) be admitted to the bar of Indiana.

9 SECTION 3. IC 33-5-10.2-3, AS ADDED BY P.L.45-2000,  
 10 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 11 JULY 1, 2004]: Sec. 3. (a) Except as provided in subsection (b), ~~the~~  
 12 **each** court has the same jurisdiction as the Dearborn circuit court.

13 (b) The Dearborn circuit court has exclusive juvenile jurisdiction.

14 SECTION 4. IC 33-5-10.2-4, AS ADDED BY P.L.45-2000,  
 15 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 2004]: Sec. 4. The judge of ~~the each~~ court has the same  
 17 powers relating to the conduct of the business of the court as the judge  
 18 of the Dearborn circuit court. The judge of ~~the each~~ court also may  
 19 administer oaths, solemnize marriages, and take and certify  
 20 acknowledgments of deeds.

21 SECTION 5. IC 33-5-10.2-5, AS ADDED BY P.L.45-2000,  
 22 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 JULY 1, 2004]: Sec. 5. The judge of ~~the each~~ court shall appoint a  
 24 bailiff and an official court reporter for the court. ~~The Each~~ judge may  
 25 appoint a referee, commissioner, or other personnel as the judge  
 26 considers necessary to facilitate and transact the business of the court.  
 27 Their salaries shall be fixed in the same manner as the salaries of the  
 28 personnel for the Dearborn circuit court. Their salaries shall be paid  
 29 monthly out of the treasury of Dearborn County as provided by law.  
 30 Personnel appointed under this section continue in office until removed  
 31 by the judge of the **appointing** court.

32 SECTION 6. IC 33-5-10.2-6, AS ADDED BY P.L.45-2000,  
 33 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34 JULY 1, 2004]: Sec. 6. The clerk of the court, under the direction of  
 35 ~~the each~~ judge of the court, shall provide order books, judgment  
 36 dockets, execution dockets, fee books, and other books for ~~the each~~  
 37 court, which shall be kept separately from the books and papers of

1 other courts.

2 SECTION 7. IC 33-5-10.2-7, AS ADDED BY P.L.45-2000,  
3 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2004]: Sec. 7. ~~The~~ **Each** court shall hold its sessions in the  
5 Dearborn County courthouse in Lawrenceburg, Indiana, or in such  
6 other places in the county as the Dearborn county executive may  
7 provide. The county executive shall provide and maintain a suitable  
8 courtroom and other rooms and facilities **for each court**, including  
9 furniture and equipment, as may be necessary. The Dearborn County  
10 fiscal body shall appropriate sufficient funds for the provision and  
11 maintenance of these rooms and facilities.

12 SECTION 8. IC 33-5-10.2-8, AS ADDED BY P.L.45-2000,  
13 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14 JULY 1, 2004]: Sec. 8. The jury commissioners appointed by the judge  
15 of the Dearborn circuit court shall serve as the jury commissioners for  
16 ~~the each~~ court. Juries shall be selected in the same manner as juries for  
17 the Dearborn circuit court. The grand jury selected for the Dearborn  
18 circuit court shall also serve as the grand jury for ~~the each~~ court as  
19 may be necessary.

20 SECTION 9. IC 33-5-10.2-9, AS ADDED BY P.L.45-2000,  
21 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
22 JULY 1, 2004]: Sec. 9. The judge of the Dearborn circuit court may,  
23 with the consent of the judge of ~~the a~~ court, transfer any action or  
24 proceeding from the circuit court to the court. The judge of ~~the a~~ court  
25 may, with the consent of the judge of the circuit court, transfer any  
26 action or proceeding from the court to the circuit court.

27 SECTION 10. IC 33-5-10.2-10, AS ADDED BY P.L.45-2000,  
28 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
29 JULY 1, 2004]: Sec. 10. The judge of the Dearborn circuit court may,  
30 with the consent of the judge of ~~the a~~ court, sit as a judge of the court  
31 in any matter as if the judge of the circuit court were an elected judge  
32 of the court. The judge of ~~the a~~ court may, with the consent of the  
33 judge of the circuit court, sit as a judge of the circuit court in any  
34 matter as if the judge of the court were an elected judge of the circuit  
35 court.

36 SECTION 11. IC 33-5-10.2-11, AS ADDED BY P.L.45-2000,  
37 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2004]: Sec. 11. ~~The~~ **Each** court has a standard small claims and misdemeanor division.

SECTION 12. IC 33-5-20.1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. There shall be and is hereby established a superior court in Howard County, Indiana, which shall consist of ~~two (2)~~ **three (3)** judges who shall hold their offices for six (6) years and until their successor shall have been elected and qualified.

SECTION 13. IC 33-5-22-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. (a) There are created ~~five (5)~~ **six (6)** superior courts in Hamilton County, Indiana, each consisting of one (1) judge, who shall hold office for a term of six (6) years, beginning January 1 after the election for the office is held and until a successor is elected and qualified. Every six (6) years, the voters of Hamilton County shall elect at the general election a judge for each superior court.

(b) To be eligible to hold office as judge of a superior court, a person must be:

- (1) a resident of Hamilton County;
- (2) under seventy (70) years of age when taking office; and
- (3) admitted to the practice of law in Indiana.

SECTION 14. IC 33-5-22-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. The superior courts shall be known as the Hamilton superior court No. 1, the Hamilton superior court No. 2, the Hamilton superior court No. 3, the Hamilton superior court No. 4, ~~and~~ the Hamilton superior court No. 5, and the **Hamilton superior court No. 6**. The county of Hamilton shall constitute the judicial district of each court. Each court is a court of record and general jurisdiction and shall have a seal containing the words "Hamilton Superior Court (insert No. 1, No. 2, No. 3, No. 4, ~~or~~ No. 5, **or No. 6**) of Hamilton County, Indiana".

SECTION 15. IC 33-5-22-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 8. The Hamilton superior court No. 4, ~~and~~ the Hamilton superior court No. 5, ~~and the~~ **Hamilton superior court No. 6** have a standard small claims and misdemeanor division.

SECTION 16. IC 33-5-36.6-1 IS AMENDED TO READ AS

1       FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. (a) There ~~is~~ **are**  
 2       established ~~a court two~~ **(2) courts** of record to be known as  
 3       Montgomery superior court ~~The No. 1 and Montgomery superior~~  
 4       **court No. 2. Each** court may have a seal containing the words  
 5       "Montgomery Superior Court **(insert No. 1 or No. 2)** of Montgomery  
 6       County, Indiana".

7       (b) Montgomery County comprises the judicial district of ~~the each~~  
 8       court.

9       SECTION 17. IC 33-5-36.6-2 IS AMENDED TO READ AS  
 10       FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. (a) ~~The Each~~ **Each** court  
 11       has one (1) judge, who shall be elected at the general election every six  
 12       (6) years in Montgomery County. The term of the judge begins January  
 13       1 following the election and ends December 31 following the election  
 14       of the judge's successor.

15       (b) To be eligible to hold office as a judge of the court, a person  
 16       must:

17               (1) be a resident of Montgomery County;

18               (2) be less than seventy (70) years of age at the time of taking  
 19               office; and

20               (3) be admitted to the bar of Indiana.

21       SECTION 18. IC 33-5-36.6-3 IS AMENDED TO READ AS  
 22       FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. ~~The Each~~ **Each** court has  
 23       the same jurisdiction as the Montgomery circuit court.

24       SECTION 19. IC 33-5-36.6-4 IS AMENDED TO READ AS  
 25       FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. ~~A Each~~ **Each** judge of the  
 26       court has the same powers relating to the conduct of the business of  
 27       the court as the judge of the Montgomery circuit court. ~~A Each~~ **Each** judge  
 28       of the court may also administer oaths, solemnize marriages, and take  
 29       and certify acknowledgments of deeds.

30       SECTION 20. IC 33-5-36.6-5 IS AMENDED TO READ AS  
 31       FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. ~~A Each~~ **Each** judge of the  
 32       court shall appoint a bailiff and an official court reporter for the court.  
 33       Their salaries shall be fixed in the same manner as the salaries of the  
 34       bailiff and official court reporter for the Montgomery circuit court.  
 35       Their salaries shall be paid monthly out of the treasury of Montgomery  
 36       County as provided by law.

37       SECTION 21. IC 33-5-36.6-6 IS AMENDED TO READ AS

1       FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6. The clerk of the  
 2       court, under the direction of ~~the each~~ judge of the court, shall provide  
 3       order books, judgment dockets, execution dockets, fee books, and  
 4       other books for ~~the each~~ court, which shall be kept separately from the  
 5       books and papers of other courts.

6       SECTION 22. IC 33-5-36.6-7 IS AMENDED TO READ AS  
 7       FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 7. ~~The Each~~ court shall  
 8       hold sessions in the Montgomery County courthouse in Crawfordsville,  
 9       Indiana, or in such other places in the county as the Montgomery  
 10      County executive may provide. The county executive shall provide and  
 11      maintain suitable courtrooms and other rooms and facilities **for each**  
 12      **court**, including furniture and equipment, as may be necessary. The  
 13      Montgomery County fiscal body shall appropriate sufficient funds for  
 14      the provision and maintenance of these rooms and facilities.

15      SECTION 23. IC 33-5-36.6-8 IS AMENDED TO READ AS  
 16      FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 8. The jury  
 17      commissioners appointed by the judge of the Montgomery circuit court  
 18      shall serve as the jury commissioners for ~~the each~~ court. Juries shall be  
 19      selected in the same manner as juries for the Montgomery circuit court.  
 20      The grand jury selected for the Montgomery circuit court shall also  
 21      serve as the grand jury for ~~the each~~ court as is necessary.

22      SECTION 24. IC 33-5-36.6-9 IS AMENDED TO READ AS  
 23      FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 9. The judge of the  
 24      Montgomery circuit court may, with the consent of the judge of ~~the a~~  
 25      court, transfer any action or proceeding from the circuit court to ~~the~~  
 26      **that** court. The judge of ~~the each~~ court may, with consent of the judge  
 27      of the circuit court, transfer any action or proceeding from the court  
 28      to the circuit court.

29      SECTION 25. IC 33-5-36.6-10 IS AMENDED TO READ AS  
 30      FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 10. The judge of the  
 31      Montgomery circuit court may, with the consent of ~~the a~~ judge of the  
 32      court, sit as a judge of ~~the that~~ court in any matter as if the judge of the  
 33      circuit court ~~was were~~ an elected judge of the court. The judge of ~~the~~  
 34      **a** court may, with consent of the judge of the circuit court, sit as judge  
 35      of the circuit court in any matter as if the judge of the court ~~was were~~  
 36      an elected judge of the circuit court.

SECTION 26. IC 33-5-36.6-11 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 11. Each court has a standard small claims and misdemeanor division."**

Page 3, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 28. IC 33-5-44.1-1, AS AMENDED BY P.L.45-2000, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. There is hereby established a superior court in Vigo County, Indiana. ~~which~~ **The** court shall consist of ~~four (4)~~ **five (5)** judges who shall hold their office for six (6) years if they behave well and until their successors have been elected and qualified. In addition to the ~~four (4)~~ **five (5)** judges, the judge of the Vigo circuit court may sit as a judge of said Vigo superior court as provided in this chapter.

SECTION 29. [EFFECTIVE JULY 1, 2004] **(a) Notwithstanding the amendment of IC 33-5-10.2 by this act, the Dearborn superior court is not expanded to two (2) judges until January 1, 2005.**

**(b) The governor shall appoint a person under IC 3-13-6-1(c) to serve as the initial judge of the Dearborn superior court No. 2 added by IC 33-5-10.2-1, as amended by this act.**

**(c) The term of the initial judge appointed under subsection (b) begins January 1, 2005, and ends December 31, 2006.**

**(d) The initial election of the judge of the Dearborn superior court No. 2 is the general election on November 7, 2006. The term of the initially elected judge begins January 1, 2007.**

**(e) This SECTION expires January 2, 2007.**

SECTION 30. [EFFECTIVE JULY 1, 2004] **(a) Notwithstanding IC 33-5-20.1-1, as amended by this act, the Howard County superior court added by this act is not established until January 1, 2005.**

**(b) The governor shall appoint a person under IC 3-13-6-1(c) to serve as the initial judge added to the Howard County superior court by IC 33-5-20.1-1, as amended by this act.**

**(c) The term of the initial judge appointed under subsection (b) begins January 1, 2005, and ends December 31, 2006.**

**(d) The initial election of the judge of the Howard County**

1 superior court added by IC 33-5-20.1-1, as amended by this act, is  
 2 the general election on November 7, 2006. The term of the  
 3 initially elected judge begins January 1, 2007.

4 (e) This SECTION expires January 2, 2007.

5 SECTION 31. [EFFECTIVE JULY 1, 2004] (a) Notwithstanding  
 6 IC 33-5-22-1 and IC 33-5-22-2, each as amended by this act, the  
 7 Hamilton superior court is not expanded to six (6) judges until  
 8 January 1, 2007.

9 (b) Notwithstanding IC 33-5-22-8, as amended by this act, the  
 10 Hamilton superior court No. 6 does not have a standard small  
 11 claims and misdemeanor division until January 1, 2007.

12 (c) The initial election of the judge of the Hamilton superior  
 13 court No. 6 added by IC 33-5-22-1 and IC 33-5-22-2, each as  
 14 amended by this act, is the general election on November 7, 2006.  
 15 The term of the initially elected judge begins January 1, 2007.

16 (d) This SECTION expires January 2, 2007.

17 SECTION 32. [EFFECTIVE JULY 1, 2004] (a) At midnight on  
 18 December 31, 2004, the Montgomery county court is abolished.

19 (b) Notwithstanding the amendment of IC 33-5-36.6 by this act,  
 20 the Montgomery superior court No. 2 is not established until  
 21 January 1, 2005.

22 (c) Any case pending in the Montgomery county court after the  
 23 close of business on December 31, 2004, is transferred on January  
 24 1, 2005, to Montgomery superior court No. 2 established by  
 25 IC 33-5-36.6-1, as amended by this act. All cases transferred  
 26 under this SECTION that are eligible to be heard by the standard  
 27 small claims and misdemeanor division, established by  
 28 IC 33-5-36.6-11, as added by this act, shall be transferred to the  
 29 standard small claims and misdemeanor division of the court in  
 30 accordance with the venue requirements prescribed in Rule 75 of  
 31 the Indiana Rules of Trial Procedure. A case transferred under  
 32 this SECTION shall be treated as if the case were filed in  
 33 Montgomery superior court No. 2.

34 (d) On January 1, 2005, all property and obligations of the  
 35 Montgomery county court become the property and obligations of



1 **Montgomery superior court No. 2.**

2 (e) The initial judge of Montgomery superior court No. 2  
3 established by IC 33-5-36.6-1, as amended by this act, shall be the  
4 person who is the Montgomery county court judge on December  
5 31, 2004. The term of the initial judge begins January 1, 2005, and  
6 ends December 31, 2006. The initial election of a judge for  
7 Montgomery superior court No. 2, established by IC 33-5-36.6-1,  
8 as amended by this act, is the general election conducted on  
9 November 7, 2006. The term of the initial elected judge begins  
10 January 1, 2007.

11 (f) This SECTION expires January 2, 2007."

12 Page 3, after line 14, begin a new paragraph and insert:

13 "SECTION 34. [EFFECTIVE JULY 1, 2004] (a) Notwithstanding  
14 IC 33-5-44.1-1, as amended by this act, the Vigo superior court is  
15 not expanded to five (5) judges until January 1, 2005.

16 (b) The governor shall appoint a person under IC 3-13-6-1(c) to  
17 serve as the initial judge added to the Vigo superior court by  
18 IC 33-5-44.1-1, as amended by this act.

19 (c) The term of the initial judge appointed under subsection (b)  
20 begins January 1, 2005, and ends December 31, 2006.

21 (d) The initial election of the judge of the Vigo superior court  
22 added by IC 33-5-44.1-1, as amended by this act, is the general  
23 election in November 2006. The term of the initially elected judge  
24 begins January 1, 2007.

25 (e) This SECTION expires January 2, 2007."

26 Renumber all SECTIONS consecutively.

(Reference is to HB 1138 as introduced.)

**and when so amended that said bill do pass.**

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Representative Dvorak